IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 21266 of 2002(F)

PETITIONER: PETITIONER

S.S.SUJA, SUDHABHAVANAM,
KOTTAYKKAPPURAM, KALPPANA P.O., KARUNAGAPPALLY.

BY ADV. SRI.K.KARTHIKEYA PANICKER
SMT.DAYA K. PANICKER

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, CIVIL STATION,
KOLLAM.

3. THE TAHSILDAR, KARUNAGAPPALLY TALUK,
MINI CIVIL STATION, KARUNAGAPPALLY, KOLLAM.

4. BABU VAIDHYAN, THEVALAKKARA, KOLLAM.

R1 TO 3 BY GOVERNMENT PLEADER SMT.SMITHA
R4 BY ADV. SRI.P.B.SURESH KUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.36426 & 36286/2002 & I.A. NO.9054/2003 IN O.P. 21266/2002

DISMISSED:

21.2.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE CERTIFICATE DT.29.5.2001 ISSUED BY BOARD OF HIGHER SECONDARY EXAMINATION, GOVT. OF KERALA.

P2: TRUE COPY OF THE DISABILITY CERTIFICATE DT.27.72001 ISSUED BY DISTRICT DIABILITY BOARD, KOLLAM.

P3: TRUE COPY OF THE APPLICATION DT.30.10.2001 BEFORE R1.

P4: TRUE COPY OF LETTER DT.27.11.2001 ISSUED BY PRIVATE SECRETARY TO GOVT.

P5: TRUE COPY ORDER DT.29.3.2003 ISSUED BY R2.

P6: TRUE OCPY OF ORDER DT.6.7.2004 ISSUED BY R2.

RESPONDENT'S EXHIBITS:

R4(a): TRUE COPY OF COMMUNICATION ISSUED BY THE TAHSILDAR, KARUNAGAPPALLY, DT.27.6.2002.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.21266 of 2002

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Dated this the 21st day of March, 2007.

JUDGMENT

The petitioner is challenging grant of licence to 4th respondent to run a tea shop in the Mini Civil Station, Karunagappally. In fact the District Collector initially proposed to auction the premises on a competitive basis. If this had happened, there would not have been any dispute as the highest bidder would have got the licence. However, Government interfered and granted licence to the 4th respondent on the basis of a representation. In fact this court queried whether there is space for one more tea stall so that petitioner also could be provided. Even though Tahsildar located a space, the same was objectionable to the Judicial First Class Magistrate Court functioning there. Therefore, there is space for only one tea shop. It is reported that there is no price control on the items sold in the tea shop. In the circumstances, I feel a fair selection would be to conduct auction of the premises after notice to petitioner and 4th respondent and after giving public notice as is usually done. The District Collector is directed to allot the space after conducting auction to the highest bidder. This should be done within a period of one month from the date of production of copy of

this judgment by either party. The allotment made to the 4th respondent will stand cancelled as and when selection is made by the District Collector.

C.N.RAMACHANDRAN NAIR
Judge

pms